

REGULAR CITY COUNCIL MEETING
FEBRUARY 9, 1998

PRESENT

R. Dale Roper
Wesley Bloomfield
Gayle Bunker
Bruce Curtis
Robert Dekker
Glen Swalberg

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

ALSO PRESENT

Dorothy Jeffery
Richard Waddingham
Neil Forster
Greg Schafer
Curt Crosby
Ruth Hansen
Derin Phelps
Deb Greathouse

City Recorder
City Attorney
Public Works Director
City Employee
KNAK Radio
City Resident
Millard County Chronicle/Progress
City Librarian

Mayor Roper called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as Secretary. Mayor Roper stated that notice of the meeting time, place, and agenda was posted at the principal office of the governing body, located at 76 North 200 West, and was provided to the Millard County Chronicle/Progress, KNAK Radio, and to each member of the City Council, by personal delivery, at least two days prior to the meeting.

Council Member Glen Swalberg offered an invocation, after which Mayor Roper led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held on January 26, 1998 were presented for consideration and approval.

Council Member Wesley Bloomfield noted an error on Page 5 under New Business refers to Mayor Dafoe; the minutes should be changed to read "Mayor Roper".

Mayor Roper noted an error on Page 9, paragraph 2 which reads “. . .talked with the Delta City insurer regarding street corners. . .” should read “. . .talked with the Delta City insurer regarding spraying the street corners. . .”.

City Attorney Richard Waddingham requested that a correction be made on Page 3, paragraph 1, line 6, which should have a period after “. . .replace the asphalt.” and delete the rest of the sentence.

Attorney Waddingham requested that he be allowed to insert a paragraph regarding the utility easement referred to on Page 6, paragraph 1.

Attorney Waddingham also noted a correction at the bottom of Page 6, referring to the Millard County Fire Services District; the word “Services” should be deleted.

In addition, Attorney Waddingham noted an error on Page 11, at the top of the page, “Mayor Dafeo” should be changed to “Mayor Roper.”

Also, on Page 10, last line of paragraph 4, the word “budget” needs to be changed to “budgeted”.

Following discussion, Council Member Wesley Bloomfield MOVED to table discussion of the minutes of the Regular City Council Meeting held on January 26, 1998 until Attorney Waddingham can correct the paragraph regarding the utility easement on the John Watson property. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been given to them two days prior to the meeting. Following discussion, Council Member Gayle Bunker MOVED to approve the accounts payable, in the amount of \$97,642.79. The motion was SECONDED by Council Member Robert Dekker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

CITY ATTORNEY RICHARD WADDINGHAM: DELTA CITY PURCHASING POLICY

City Attorney Waddingham reminded the Council that, at the last Council Meeting, he and Mayor Roper were directed to discuss the proposed Delta City Purchasing Policy and bring it back before the Council at this meeting. In discussing the policy, Attorney Waddingham and Mayor Roper felt that telephone bids could be used up to \$10,000; any amount over \$10,000 would be published once; and amounts over \$25,000 would require being published twice. Mayor Roper explained that the work is the same for written bids and published bids; i.e. bidding period, bid opening, etc.

There was discussion regarding appointment of a Purchasing Agent and the Council felt that the Mayor, or his designee, should be appointed as Purchasing Agent.

Following discussion of the proposed policy, Council Member Wesley Bloomfield MOVED to table discussion on this item until City Attorney Waddingham can prepare a resolution adopting the Delta City Purchasing Policy. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CITY ATTORNEY RICHARD WADDINGHAM: AMENDMENT TO ORDINANCE NO. 86-103

City Attorney Waddingham advised the Mayor and Council that this amendment is not ready for adoption because he has found that the City cannot unvacate a street. However, there is a statute which allows that, if a street is used for ten years and is held out to be a public street, it is, in fact a public street. Attorney Waddingham noted that this street was vacated ten years ago, but since that time, it has been used as a street during the ten year period.

Attorney Waddingham recommended that this amendment be tabled in order to allow time for him to draft an amendment with corrected language to vacate the portion of the street which the Council wants vacated and remove the portion which the Council wants to maintain as a City street.

Council Member Wesley Bloomfield MOVED to table discussion on the Amendment to Ordinance No. 86-103. The motion was SECONDED by Council Member Gayle Bunker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DALE ROPER: COMMUNITY PUBLIC ACCESS TELEVISION

Mayor Roper told the Council that it is his understanding that the Council is in agreement that they want a public access television channel available in Delta, but they are not certain that they want to assign Mr. Job Matusow as the sole user of the only public access channel which might be available, to which all Council Members agreed. Mayor Roper reported that City Attorney Richard Waddingham has been in contact with Insight Communications, who have agreed to provide the public access channel for Delta. Mr. Matusow has requested that we write a letter to him stating that Delta City would like to have the public access channel. Mayor Roper and City Attorney Waddingham suggested that a letter be written to Mr. Matusow requesting that he provide a letter from Insight Communications granting him permission to operate the channel, then the Delta City Council will support Insight's decision. This would give Insight control over who operates the channel.

City Attorney Waddingham has reviewed the cable television franchise agreement with Insight Communications and advised the Council that any transfer of ownership must be approved by the Delta City Council. Attorney Waddingham has talked with Dan Sutton, of Insight

Communications, who advised him that they are currently preparing letters to advise cities that the franchise is being transferred to TCI.

Mr. Sutton also advised Attorney Waddingham that he has been contacted by Mr. Matusow. Mr. Sutton requested a letter from Mr. Matusow outlining his proposal for the public access channel. Mr. Sutton stated that he has not made any agreement with Mr. Matusow and would like to do what Delta City requests, but he has been pressured by Mr. Matusow. Mr. Sutton was not pleased with Mr. Matusow's tactics and would like to make a presentation to the Council.

Attorney Waddingham felt that, if the Council writes a letter to Insight, as requested by Mr. Matusow, they would be interfering with contractual rights between Mr. Matusow and Insight Communications.

Following discussion, Council Member Wesley Bloomfield MOVED to have Mayor Roper write a letter to Mr. Matusow stating that the Council will take no action on this matter until he provides a copy of a written agreement with Insight Communications for operation of a public access television channel in Delta City. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

NEW BUSINESS

MAYOR DALE ROPER: PUBLIC HEARING REGARDING CIB/CDBG APPLICATIONS FOR FUNDING LIBRARY EXPANSION

Mayor Roper advised the Council that he has received a letter from Six County Association of Governments regarding the funding applied for from CDBG. The letter stated that they have received their funding and have allocated \$102,240 to the Delta City library expansion project for this year and \$103,000 next year, contingent on Delta City complying with all requirements for the funding.

Mayor Roper, Council Member Wesley Bloomfield, and City Librarian Deb Greathouse have met with Mr. Vern Fisher, of Sunrise Engineering, regarding assisting with the CIB funding application. Mr. Fisher expects the cost of application and bond election for the CIB to be \$5,000. The CIB application requires a public hearing which must be held this month in order to get the application turned in for consideration at the March funding meeting. Mayor Roper has set a public hearing for Tuesday, February 17, 1998, which will meet the requirements of the CIB application process and will also meet the requirements of the second public hearing for the CDBG funding. Mr. Fisher has agreed to charge no fee to Delta City if CIB funding is not received.

Mayor Roper stated that this item was on the agenda for the purpose of advising the Council of the progress in the library expansion funding.

MAYOR DALE ROPER: COUNCIL MEETING PROCEDURES

Mayor Roper reminded the Council that Council Meeting procedures were discussed at the last Council meeting. It is the feeling of the Council that they do not want the Delta City Council meetings to disintegrate into the disorderly conduct that some other cities are dealing with. City Attorney Waddingham has advised Mayor Roper that these procedures need to be set out and adopted by resolution.

Mayor Roper suggested that recordings of Council meetings be limited to the City Recorder and would like audience members to be recognized before they speak. He also suggested that derogatory remarks and name-calling not be allowed in Council meetings. In addition, he would like to see discussions limited to the time limit allowed on the meeting agenda and that speakers at public hearings be limited to five minutes.

Mayor Roper expressed his desire to meet with Attorney Waddingham and prepare a resolution adopting Council meeting procedures.

Council Member Robert Dekker MOVED to have a resolution written covering Council meeting procedures and have it brought before the Council for their review and approval. The motion was SECONDED by Council Member Bruce Curtis. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DALE ROPER: PRESS RELEASE THANKING MARQUEE CONTRIBUTORS

Mayor Roper noted that the Council had previously agreed to publishing a note of thanks to all those who contributed to the marquee sign. Mayor Roper presented the Council Members with a proposed article to be published in the Millard County Chronicle/Progress.

All Council Members agreed with publishing the proposed article.

OTHER BUSINESS

City Recorder Dorothy Jeffery asked the Council Members when they could be available for a Council photograph. It was determined that photos would be taken on March 9, 1998, just prior to Council Meeting.

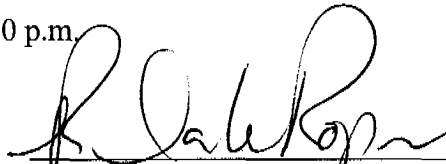
Mayor Roper reported that, when re-keying the City Building, Richard Mayber put door stops on three doors so that blocks of wood do not have to be used to hold them open. In addition, he pointed out to Mayor Roper that the hinges on the outside glass doors are in poor shape and need to be replaced. Mayor Roper told Mr. Mayber to provide a price quote for replacing the hinges.

Council Member Robert Dekker reported that there has been an Eagle Scout project done at the river dip and the Scout paid for the materials himself. Council Member Dekker told the Scout that Delta City would cover the materials and requested that he provide materials costs to the Council for reimbursement. Council Member Dekker believes the cost of materials was approximately \$70.

Council Member Gayle Bunker asked Public Works Director Neil Forster to advise the Council of the work which is being done on the old football field just North of the City Building. Public Works Director Forster told the Council that all of the old cinder track has been removed and hauled away. Pipe has been ordered to upgrade the irrigation system and to install a four inch culinary water service line around the periphery of the entire park. The intent is to plant grass on the North side of the field and put curb on the South side of the field. The street will be opened up on the West end so that traffic can enter from either 100 West or 200 West to park in the asphalt parking area. High rise speed bumps will be installed for traffic control.

Mayor Roper asked if there were any other comments, questions, or other items to be discussed. There being none, Council Member Robert Dekker MOVED to adjourn the meeting. The motion was SECONDED by Council Member Gayle Bunker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Roper declared the meeting adjourned at 8:10 p.m.


R. DALE ROPER, Mayor


DOROTHY JEFFERY, City Recorder

MINUTES APPROVED: RCCM 03-09-98